

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15-cr-00365-JAR
)	
KELVIN WILLIAMS,)	
)	
Defendant.)	

ORDER

This matter is before the Court on Defendant Kelvin Williams’s Motion to Suppress Physical Evidence (Doc. 59). Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Noelle C. Collins, who filed a Report and Recommendation on May 16, 2016 (Doc. 75).

Magistrate Judge Collins recommends that Defendant’s Motion to Suppress be denied. Defendant has filed a written objection to the Magistrate Judge’s recommendation, arguing that exigent circumstances did not exist to support law enforcement officers’ warrantless entry into his residence, subsequent search thereof, or seizure of evidence therefrom (Doc. 78). The Government urges the Court to adopt the Magistrate Judge’s recommendation and to deny Defendant’s Motion (Doc. 80). After an independent review of the record in this matter, the Court concludes that the officers initially entered Defendant’s residence pursuant to the “emergency exception” to the warrant requirement, that they discovered the controlled substances at issue in the course of, and within the scope of, their protective sweep of Defendant’s residence, and that the warrantless seizure of the evidence at issue did not violate Defendant’s Fourth Amendment rights. See United States v. Cisneros-Gutierrez, 598 F.3d 997,

1006-07 (8th Cir. 2010); see also United States v. Spotted Elk, 548 F.3d 641, 651-52 (8th Cir. 2008). Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. 75) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Physical Evidence (Doc. 59) is **DENIED**.

A handwritten signature in dark ink, appearing to read "John A. Ross", is written over a horizontal line.

JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 6th day of June, 2016.